PC-Attachment 2
Proposed Resolution No. PC 2026-06 – Ocean Bluff Residential Project

**RESOLUTION NO. PC 2026-06**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ENCINITAS APPROVING THE SUBDIVISION OF FOUR LOTS INTO 27 LOTS USING STATE DENSITY BONUS LAW AND ASSOCIATED WAIVERS, THE CONSTRUCTION OF 27 SINGLE-FAMILY RESIDENTIAL DWELLING UNITS (24 MARKET-RATE UNITS AND 3 AFFORDABLE HOUSING UNITS), AS WELL AS THE CONSTRUCTION OF A PRIVATE ROAD, AND ASSOCIATED UTILITY, DRAINAGE, LANDSCAPING, STORMWATER IMPROVEMENTS, AND RIGHT-OF-WAY IMPROVEMENTS FOR THE PROPERTY LOCATED AT 501 OCEAN BLUFF WAY**

**(CASE NO. MULTI-006443-2023, SUB-006459-2023, DR-006444-2023, CDP-006445-2023; APN: 258-141-23, 258-141-24, 258-141-25, and 258-141-26)**

**WHEREAS**, R&K Ballard Family LP submitted an application for the Subdivision of four lots into 27 lots using State Density Bonus Law and associated waivers, the construction of 27 single-family residential dwelling units (24 market-rate units and 3 affordable housing units), as well as the construction of a private road, and associated utility, drainage, landscaping, stormwater improvements, and right-of-way improvements located at 501 Ocean Bluff Way, legally described in Exhibit A; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on November 20, 2025 and heard testimony from staff and the applicant, and after deliberation voted to continue the item to a future meeting; and,

**WHEREAS**, the Planning Commission continued the duly noticed public hearing on May 7, 2026;

**NOW, THEREFORE, BE IT RESOLVED** that the Encinitas Planning Commission hereby APPROVES Case Nos. MULTI-006443-2023, SUB-006459-2023, DR-006444-2023, and CDP-006445-2023 based on the following Environmental Determination and Findings:

Section 1. California Environmental Quality Act Determination

An Environmental Impact Report (EIR) was prepared to analyze the potential environmental effects of the project. In accordance with the California Environmental Quality Act (CEQA), the draft EIR was published for a 45-day review from May 16, 2025 to June 30, 2025. Comments received during the public review period and corresponding responses are included in the Final EIR. Comments were received from one state agency (California Department of Fish and Wildlife) and 16 individuals (several of whom submitted multiple comment letters).

Through the analysis provided in the EIR, it was determined the project would not result in significant environmental impacts with the incorporation of mitigation measures to reduce the environmental impacts to less than significant levels for:

- Air quality
- Biological Resources
- Cultural Resources
- Noise and Vibration

- Tribal Cultural Resources.

Mitigation measures are identified in the EIR to reduce the environmental effects to less than significant levels. The Mitigation Monitoring and Reporting Program (MMRP) is included as part of the resolution certifying the Final Environmental Impact Report (**Resolution PC 2026-07**) and provides additional details of the required environmental mitigation measures.

Section 2. Discretionary Action(s) Findings – Tentative Map

**Cities are required under state law to deny a Tentative Map if certain findings are made (Cal. Gov. Code § 66474). Based on the aforementioned analysis of this the project, as presented with waivers and applicable density bonuses under the State Density Bonus Law, and as conditioned, the circumstances relating to such findings under Government Code Section 66474 have not been identified with this project:**

1. **That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Subdivision Map Act.**

   The proposed residential subdivision includes a request for density bonus in accordance with the State Density Bonus Law (SDBL) (California Government Code Section 65915). According to the SDBL, the applicant can request to increase the allotted density per the local municipal code and general plan to exceed the maximum density in exchange for affordable housing. A maximum of 27 units are allowed under the State Density Bonus Law, and applicant is proposing 27 dwelling units. Of the 27 units, three of the units will be to very-low-income affordable households. The project has been conditioned to require that the affordable units be reserved for very low-income qualifying households in accordance with Section 65915. The States's Density Bonus Law would apply to all three units: Lots 20, 22, and 25, and the City's inclusionary rules would apply to two of the three units: Lots 20 and 22. Thus, of the three affordable units provided, two will comply with the City requirement that affordability restriction remain in place in perpetuity, and the third unit will comply with State law regarding the duration of affordability restrictions of 55 years. The proposed map is consistent with the General Plan, Subdivision Map Act and State Density Bonus Law.

2. **That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

   The project design and subdivision improvements are consistent with the General Plan and Encinitas Municipal Code, as conditioned herein.

3. **That the site is not physically suitable for the proposed type of development.**

   The project site is physically suitable for the proposed development and all necessary public facilities and services are in place, or can be extended, to serve the project. The applicant has submitted letters of service availability for the project from fire, sewer, water, elementary and school service providers confirming their ability to serve the site. The proposed subdivision design clusters the area of development to maximize the preservation of inland bluffs and steep slope areas on the project site. As a condition of approval, an open space easement will be recorded to preserve the open space area in perpetuity.

4. **That the site is not physically suitable for the proposed density of development.**

   The proposed subdivision is consistent with the maximum density standards outlined in Chapter 30.16 (RR-2 and R-3 Zones) of the Municipal Code with the benefit of additional density afforded by the State Density Bonus Law. No physical characteristics or site conditions constrain the property resulting in the unsuitability of the development of the site as proposed. The project site is zoned RR-2 and R3, which allow for the development of single-family residential units. Further, the State Density Bonus Law facilitates the development of 27 units on the site.

5. **That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.**

   The proposed subdivision is located in an urbanized area, surrounded by developed properties. An EIR was prepared for the project. The EIR analyzed environmental impacts to biological resources and concluded that any potentially significant impact (related to natural habitats, plant and animal species nesting birds and tree removal) can be mitigated. Therefore, with implementation of mitigation measures proposed, the project's contribution to a cumulative impact would be less than significant. Furthermore, The proposed subdivision's development footprint is limited to a portion of the project site, by clustering the proposed lots and preserving 0.94 acres of open space on the project site. The inland bluffs and steep slope areas at the northern portion of the property will be protected in an open space easement in perpetuity.

6. **That the design of the subdivision or the type of improvements is likely to cause serious public health problems.**

   All necessary public facilities and services are in place, or can be extended, to serve the project. The applicant has submitted letters of facility availability for the project from fire, sewer, water, elementary and school service providers. No evidence has been identified to demonstrate that the proposed subdivision and associated improvements would cause serious health problems.

7. **That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the authorized agency may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements through or use of property within the proposed subdivision.**

   All easements of record are identified in the preliminary title report for the subject property and shown on the proposed tentative map. No conflicts with easements of record have been identified.

Section 3. Discretionary Action(s) Findings – Design Review

**Based on the findings for a Design Review Permit as per Encinitas Municipal Code Section 23.08.070.B (Final Determination) and the aforementioned analysis, Planning Commission has determined the following regulatory conclusions under Encinitas Municipal Code Section 23.08.080 which prevent approval are not present based on the conditions stated herein made the following findings to support the approval, with conditions:**

1. **The project design is inconsistent with the General Plan, a Specific Plan, or the provisions of this Code.**

   The project is consistent with the provisions of the General Plan, and provisions of the Municipal Code, and the City of Encinitas Design Standards and Guidelines, except where modified pursuant to the State Density Bonus Law (SDBL). SDBL provides a pathway for the project to increase the allowable density (above that allowed by the general plan and RR-2 and R-3 zoning standards) in exchange for affordable housing.

2. **The project design is substantially inconsistent with the Design Review Guidelines.**

   The project is consistent with the City of Encinitas Design Guidelines, except where modified pursuant to the State Density Bonus Law. Impacts of the project on surrounding properties have been minimized by various design elements. The architecture proposes a variety in building materials and color schemes, as well as a variation in architectural style. The combination of landscaping and enhanced driveway treatments will provide a cohesive image of the project as viewed from the street and will contribute positively to the character of the neighborhood and surrounding area.

3. **The project would adversely affect the health, safety, or general welfare of the community.**

   No evidence has been found or provided indicating that the proposed project would adversely affect the health, safety, or general welfare of the surrounding neighborhood or community. All utilities and services are in place to serve the project. The Final EIR identified no significant negative environmental impacts (with the implementation of proposed mitigation measures) that would result from the proposed project.

Section 4. Discretionary Action(s) Findings – Coastal Development Permit

**Based on the evidence presented and aforementioned analysis, the findings required for a Coastal Development Permit pursuant to Encinitas Municipal Code Section 30.80.090 (Coastal Development Permit), the Planning Commission has made the following findings to support the approval, with conditions:**

1. **The project is consistent with the certified Local Coastal Program of the City of Encinitas; and**

   The project, as conditioned and presented with applicable density bonus and waivers under the State Density Bonus Law, complies with all Municipal Code requirements, policies of the General Plan; and, thus is consistent with the Local Coastal Program.

2. **The proposed development conforms with Public Resources Code Section 21000 and following (CEQA) in that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment; and**

   The proposed subdivision is located in an urbanized area, mostly surrounded by developed properties. An EIR was prepared for the project. The EIR analyzed environmental impacts to biological resources and concluded that any potentially significant impacts (related to natural habitats, plant and animal species nesting birds and tree removal) can be mitigated. Therefore, with implementation of mitigation measures proposed, the project's contribution to a cumulative impact would be less than significant.

3. **For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et. seq. of the Coastal Act.**

   The project site is not located between the sea and the first public road. Therefore, this provision is inapplicable.

Section 5. Incorporation of Environmental Determination and Findings

The above environmental determination and findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

**BE IT FURTHER RESOLVED** that based on the Environmental Determination and Findings hereinbefore adopted by the Planning Commission, Case Nos. MULTI-006443-2023, SUB-006459-2023, DR-006444-2023, and CDP-006445-2023 are hereby APPROVED subject to the conditions in Exhibit B.

**PASSED AND ADOPTED** this 7th day of May. 2026 by the Planning Commission of the City of Encinitas, State of California.

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Robert Prendergast, Vice Chair

ATTEST:

_____
Meagan Openshaw
Secretary

**NOTE:** This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

**EXHIBIT "A"**
**RESOLUTION NO. PC-2026-06**
**Case Nos. MULTI-006443-2023, SUB-006459-2023,**
**DR-006444-2023, CDP-006445-2023**

**LEGAL DESCRIPTION**

PARCEL A: APN: 258-141-23-00, APN: 258-141-24-00, APN: 258-141-25-00 & APN: 258-141-26-00

THE EASTERLY PARCEL OF CERTIFICATE OF COMPLIANCE RECORDED JULY 3, 1989 AS INSTRUMENT NO. 89-352904 OF OFFICIAL RECORDS, BEING ALL THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 2430, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SAID PARCEL MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 8, 1974 AS INSTRUMENT NO. 74-059151 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL 2, DISTANT THEREON NORTH 85°19'14" EAST 267.90 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL 2;

THENCE CONTINUING ALONG SAID NORTHERLY LINE, NORTH 85°19'14" EAST 123.48 FEET TO THE BEGINNING OF A TANGENT 749.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°08'53" A DISTANCE OF 498.69 FEET TO A POINT ON THE ARC OF SAID CURVE TO WHICH A RADIAL LINE BEARS NORTH 33°28'07" EAST, SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL 2;

THENCE LEAVING SAID NORTHERLY LINE ALONG THE EASTERLY LINE THEREOF SOUTH 01°10'23" WEST 476.78 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL;
THENCE ALONG THE SOUTHERLY THEREOF NORTH 88°49'37" WEST 484.86 FEET TO AN ANGLE POINT;

THENCE LEAVING SAID SOUTHERLY LINE NORTH 06°36'27" WEST 181.17 FEET TO AN ANGLE POINT;

THENCE NORTH 88°49'37" WEST 90.00 FEET;

THENCE NORTH 01°10'23" EAST 396.65 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN CAMINO EL DORADO AS CONDEMNED AND TAKEN BY THE CITY OF ENCINITAS BY FINAL ORDER OF

CONDEMNATION RECORDED ON JULY 23, 1998 AS INSTRUMENT NO. 1998-0460312 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY.

PARCEL B: AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS, ROAD AND UTILITIES PURPOSES, INCLUDING BUT NOT LIMITED TO ELECTRIC POWER, TELEPHONE, GAS, WATER, SEWER AND CABLE TELEVISION LINES AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 2430 IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SAID PARCEL MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 8, 1974 AS INSTRUMENT NO. 74-059151 OF OFFICIAL RECORDS, LYING WITHIN A STRIP OF LAND 40 FEET IN WIDTH, THE EASTERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL 2, DISTANT THEREON NORTH 85°19'14" EAST, 267.90 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL 2;

THENCE LEAVING SAID NORTH LINE SOUTH 01°10'23" WEST TO A POINT ON A LINE BEING PARALLEL WITH AND 100.00 FEET SOUTHERLY OF SAID NORTH LINE AND BEING THE TERMINUS OF SAID EASTERLY LINE.

**EXHIBIT "B"**
**RESOLUTION NO. PC 2026-06**
**Case Nos. MULTI-006443-2023, SUB-006459-2023,**
**DR-006444-2023, CDP-006445-2023**

Applicant: R&K Ballard Family LP

Location: APNs 258-141-23-00, 258-141-24-00, 258-141-25-00 and 258-141-26-00

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**CONDITIONS OF APPROVAL**

**SPECIFIC CONDITIONS**

**SCA The following Planning-related conditions shall be completed/fulfilled to the satisfaction of the Development Services Department**:

1. Prior to the issuance of a building permit all lots with side yards fronting on Ocean Bluff Way or the private street (Lots 1, 17, 18, 22, 23, and 27) shall provide additional significant architectural features in the side yard setbacks, to the satisfaction of the Development Services Director, or designee, to demonstrate compliance with Chapter 5 of the City of Encinitas Design Standards and Guidelines.

2. Prior to the issuance of a building permit, plans for the two entry identification signs shall show compliance with EMC Section 30.60.070, including the reduction of area for the two signs to 32 square feet, and Chapter 5 of the City of Encinitas Design Standards and Guidelines to the satisfaction of the Development Services Director. All finish materials shall match the general project design theme.

3. Future architectural projections into all reduced setbacks (front, rear, interior or street side yard setbacks) may not exceed 18 inches.

4. Enhanced slope contouring for slope behind Lots 4-6 shall be provided, to the satisfaction of the Development Services Director, to comply with Chapter 3 of the City of Encinitas Design Standards and Guidelines.

5. Retaining wall finish materials shall include finishes that match the project's design theme, and shall be identified on all grading and building permit plans.

6. Model homes are permitted on Lots 26 and 27 and subject to EMC Section 30.46.100 and subject to a separate building permit.

7. Prior to the issuance of a building permit and to the satisfaction of the Development Services Director, plans shall provide window treatments designed by utilizing one of the methods identified in Section DS5.6.2 of the City of Encinitas Design Standards and Guidelines.

8. Prior to the issuance of a building permit and to the satisfaction of the Development Services Director, lighting plans shall show compliance with Section DS6.2.1 of the City of Encinitas Design Standards and Guidelines.

9. Prior to the issuance of a grading permit and to the satisfaction of the Development Services Director, all proposed retaining walls shall show compliance with Section DS5.9.2 of the City of Encinitas Design Standards and Guidelines.

10. Prior to the issuance of a building permit and to the satisfaction of the Development Services Director, landscape plans shall show compliance with Section DS2.6.2 of the City of Encinitas Design Standards and Guidelines.

11. Prior to the issuance of a grading or building permit and to the satisfaction of the Development Services Director, construction plans shall show enhancement of screening, reduced visual impacts, and enhanced privacy through the following:

    a. View fencing (masonry base with viewing glass) along the western property lines of Lots 1 – 3 and the southern property line of Lot 4 shall be replaced with solid vinyl fencing material to increase privacy between the proposed development and the property to the southwest.

    b. The retaining wall on the southern side of Lot 4 shall be constructed using a geogrid retaining wall system, not exceeding 6 feet, and planted and irrigated in order to provide complete screening and reduce visual impact.

    c. To address privacy concerns, the developer shall purchase and install screening trees on the neighboring property (to the west, adjacent to Lots 1 – 4). The developer and neighbor shall work in good faith to determine the number, size, and locations of the trees to sufficiently provide privacy screening as determined by the Development Services director.

    d. The existing chain link fence on the northern side of the neighboring property (to the west, adjacent to Lots 1 – 4) shall be extended by the developer to the proposed masonry wall within lot 4 to further address privacy concerns.

    e. View fencing proposed within Lot 4 shall be replaced with solid vinyl fencing material.

**SCB The following Engineering-related conditions shall be completed/fulfilled to the satisfaction of the Engineering Division:**

1. **ESP – Dedications & Underground 500:** If the building addition creates 500 square feet or more of habitable area, or 750 square feet or more of combined habitable/nonhabitable area, undergrounding of service lines and/or a street dedication will be required.

2. **ESP – Improvement Requirement:** If the building addition creates 2,000 square feet or more of habitable area, or 2,500 square feet or more of combined habitable/nonhabitable area, public improvements will be required.

3. **ESP – Setback Boundary Survey:** The proposed building(s) lie on a building setback. A boundary survey performed by a licensed land surveyor is recommended to ensure that the proposed building does not encroach into the building setbacks per chapter 30.16 of the Municipal Code.

4. **ESP – Survey Monuments:** The existing survey monuments shall be referenced on the grading plan and shall be protected in-place. If any monument is disturbed or destroyed it shall be replaced by a licensed land surveyor and a Corner Record or Record of Survey shall be filed with the County prior to release of securities and/or building occupancy.

5. **ESP – Fees:** The applicant shall pay all applicable mitigation and impact fees including but not limited to Traffic Mitigation fees and Wastewater Capacity fees. These impact fees shall be paid in full prior to occupancy or use and reliance on the Major Use Permit.

6. **ESP – Parking:** On street Parallel parking spaces shall be 8' wide by 21' long or 21' long each for tandem parking.

7. **ESP – Boundary Walls:** All retaining walls proposed on the property boundary shall be capable of withstanding a surcharge.

8. **ESP – Private Storm and Flood Control Easement:** The owner shall record a private open space easement for stormwater pollution and flood control purposes *as shown on the Tentative Map*.

9. **ESP – Public General Utility Easement**: The owner shall dedicate to the City a Public General Utility Easement subject to terms and conditions contained in City Council Resolution No. 2009-63

10. **ESP – Private Drainage Easement:** The owner shall record a private drainage space easement to the benefit of all lots *as shown on the Tentative Map*.

**SCC The following utility-related conditions shall be completed/fulfilled to the satisfaction of the Wastewater Division:**

1. **Utility - Sewer Study:** Prior to issuance of any grading, public improvement, or building permit for this project, the City shall perform a sewer capacity study, at the owner's expense, evaluating the capacity of the public sewer system to convey the additional flow from this development. (EDM 4.200). The results of the sewer capacity study will dictate the design of the on-site sewer system and determine improvements of any existing off-site sewer pipelines as a result of the Project's impact to the City's sewer system. Developer shall be wholly responsible for the costs related to any sewer system improvements recommended by the sewer capacity study including the design and construction of off-site sewer facilities if necessary.

2. **Utility – Sewer Easement**: If public sewer will be installed within this development a sewer easement (or irrevocable offer to dedicate) shall be acquired before approval of

the grading/public improvement/or building permit. The width of the sewer easement is detailed in the City's Engineering Design Manual.

**SCD The following traffic engineering-related conditions shall be completed/fulfilled to the satisfaction of the Traffic Engineering Division:**

1. The applicant shall pay Traffic Mitigation Fees, based on the number of dwelling units, as required by Encinitas Municipal Code Section 23.94.055. Fees shall be paid prior to building permit issuance.

2. The applicant shall submit a signing and striping plan for Ocean Bluff Way and Camino El Dorado for City review and approval, to the satisfaction of the City Engineer.

3. Prior to occupancy, the applicant shall demonstrate to the satisfaction of the City Engineer that the proposed driveways along Ocean Bluff Way provide unobstructed sight distance, in accordance with the Sight Distance Exhibit and applicable City standards.

4. Prior to conducting any work within the City's right-of-way, the applicant shall submit a traffic control plan for review and approval by the City.

5. The project will increase traffic volume on the non-Circulation Element roadways of Camino De Orchidia and Camino El Dorado. To address these impacts, the applicant shall implement traffic calming measures on both streets, subject to the review and approval of the City Engineer. Such measures may include, but are not limited to, speed feedback signs and speed cushions. Following project occupancy and prior to the full release of the project's public improvement security deposit, Camino De Orchidia and Camino El Dorado shall be evaluated under the City's First Tier Speed Cushion Program. All required traffic calming measures shall be installed to the satisfaction of the City Engineer and completed prior to the full release of the public improvement security deposit.

**STANDARD CONDITIONS**

**PLANNING:**

**CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:**

**A 01** **Approval - General:** At any time after two years from the date of this approval, on ***May 7***, **2028** at 5 p.m., or the expiration date of any extension granted in accordance with the Municipal Code, the application shall be deemed expired as of the above date, unless a timely extension is filed 15 days prior to the expiration date.

**A 02** **Approval - General:** This approval may be appealed to the City Council within 10-calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.

**A 04** **Approval - General:** This project is conditionally approved as set forth on the application and project drawings consisting of 164 sheets including ***Architecture***

***(139 sheets), Civil Engineering (12 sheets),*** *and* ***Landscaping (13 sheets)*** all designated as approved by the ***Planning Commission*** on **May 7, 2026**, and shall not be altered without express authorization by the Development Services Department.

**A 08** **Approval - General:** Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

**A 09** **Approval - General:** Prior to any use or issuance of final occupancy of the project site pursuant to this permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Development Services Department.

**BD 01** **Bluff-top Development:** Owner(s) shall enter into and record a covenant satisfactory to the City Attorney waiving any claims of liability against the City and agreeing to indemnify and hold harmless the City and City's employees relative to the approved project. This covenant is applicable to any bluff failure and erosion resulting from the development project.

**BD 03** **Bluff-top Development:** The property ***owner*** shall execute and record a covenant to the satisfaction of the Development Services Department setting forth the terms and conditions of this approval prior to the issuance of Building Permits. Said covenant shall also provide that the property owner shall be responsible for maintaining the approved structure(s) in good visual and structural condition in a manner satisfactory to the Development Services Director.

**BD 04** **Bluff-top Development:** An "as-built geotechnical report" shall be submitted to the Development Services Department, for review and acceptance, prior to approval of the foundation inspection. The report shall outline all field test locations and results, and observations performed by the consultant during construction of the proposed structure(s), and especially relative to the depths and actual location of the foundations. The report shall also verify that the recommendations contained in the Geotechnical Investigation Report, prepared and submitted in conjunction with the application, have been properly implemented and completed.

**BD 05** **Bluff-top Development:** An "as-built geotechnical report", reviewed and signed by both the soils/geotechnical engineer and the project engineering geologist, shall be completed and submitted to the City within 15 working days after completion of the project. The project shall not be considered complete (and thereby approved for use or occupancy) until the as-built report is received and the content of the report is found acceptable by the Development Services Department.

**BD 07** **Bluff-top Development:** The property owner shall monitor the irrigation system to ensure that no over-watering occurs. The proposed landscape system shall be disconnected as specified in the approved Landscape and Irrigation Letter Report within one year from final approval of the project. If sufficient evidence is submitted showing that the plantings are not fully established after one year, the time period for utilization of the irrigation system may be extended to ensure the proper establishment of the plantings.

**CT/SO 01** **Construction Trailers/Sales Office:** Any and all temporary construction trailers or sales offices, used during the course of development, shall be removed prior to the issuance of Certificate of Occupancy to the satisfaction of the Development Services Department.

**CT/SO 02** **Construction Trailers/Sales Office:** Any use of a trailer coach as a temporary business/sales office shall comply with the provisions of Chapter 30.46 of the Municipal Code and shall be removed upon completion of the sales program.

**DR 01** **Design Review:** Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a Design Review Permit contained in Section 23.08.140 of the Municipal Code. Modifications beyond the scope described therein may require submittal of an amendment to the Design Review Permit and approval by the authorized agency.

**DR 02** **Design Review:** Side and rear elevations and window treatments shall be trimmed and architecturally treated so as to substantially match the front elevations. This treatment shall be reflected in building plans and shall be found satisfactory by the Development Services Department prior to the issuance of Building Permits.

**DR 03** **Design Review:** All project grading shall conform with the approved plans. If no grading is proposed on the approved plans, or subsequent grading plans are inconsistent with the grading shown on the approved plans, a Design Review Permit for such grading shall be obtained from the authorized agency of the City prior to issuance of Grading or Building Permits.

**DR 04** **Design Review:** Decorative use of neon or LED tubing or banding, such as tubing around windows or doors or banding around the building exterior, shall not be allowed unless approved through subsequent Design Review Permit modification(s).

**DF 01** **Development Fees:** The applicant shall pay development fees at the established rate. Such fees may include but are not limited to: permit and plan checking fees, water and sewer service fees, school fees, traffic mitigation fees, flood control mitigation fees, park mitigation fees, and fire mitigation, and fire cost recovery fees. **All plan check, permit, and service fees shall be paid in accordance with the table below to the satisfaction of the applicable Department Director or designee.** The applicant is advised to contact the Development Services Department regarding Park Mitigation Fees (Planning Division), Flood Control and Traffic Fees (Engineering Division), applicable School District(s) regarding School Fees (Building Division), Fire Mitigation/Cost Recovery Fees (Fire Department), and the applicable Utility Departments or Districts regarding Water and/or Sewer Fees.

| Fee Name | Department/Division | Timing for fee collection[1] |
|---|---|---|
| Affordable Housing Monitoring Fee | Planning Division | Prior to building permit issuance |
| Fire mitigation fee | Fire Prevention | Prior to building permit issuance |

| | | |
|---|---|---|
| Fire cost recovery fee | Fire Prevention | Prior to building/fire permit issuance |
| Flood control mitigation fee | Engineering Division | With grading permit issuance/or prior to final building permit issuance |
| Inclusionary housing in-lieu fee | Planning Division | Prior to final map recordation or prior to building permit issuance |
| Parkland acquisition fee | Planning Division | Prior to certificate of occupancy |
| Parkland development fee | Planning Division | Prior to certificate of occupancy |
| Plan check fee | Building, Engineering, Fire Prevention and Planning Divisions | At plan check submittal |
| Permit fee | Building Division and Engineering Division | At permit issuance |
| School fees | Building Division | Prior to building permit issuance |
| Traffic mitigation fee | Engineering Division | Prior to building permit issuance |
| Water and sewer fee | Engineering Division | Prior to permit issuance |
| [1] Initiating use in reliance on this approval may apply when no permits required. | | |

**EM 01** **Electrical and Mechanical Equipment:** All roof-mounted equipment and appurtenances, including air conditioners and their associated vents, conduits and other mechanical and electrical equipment, shall be architecturally integrated, and shall be shielded from view and sound buffered to the satisfaction of the Development Services Department. Note: All rooftop equipment shall be assumed visible unless demonstrated otherwise to the satisfaction of the Development Services Department, and adequate structural support shall be incorporated into building design. Rooftop vent pipes shall be combined below the roof and shall utilize decorative caps where visible from any point.

**EM 02** **Electrical and Mechanical Equipment:** All ground-mounted mechanical and electrical equipment shall be screened, and sound buffered through use of a wall, fence, landscaping, berm, or combination thereof and shall be designed to be compatible with the primary building's exterior to the satisfaction of the Development Services Department.

**HC 01** **Height Certification:** Prior to issuing a final inspection on framing, the applicant shall provide a survey from a licensed surveyor or a registered civil engineer verifying that the building height is in compliance with the approved plans. The height certification/survey shall be supplemented with a copy of the site plan and elevations depicting the exact point(s) of certification to the satisfaction of the Development Services Director. The engineer/surveyor shall contact the Development Services Department to identify and finalize the exact point(s) to be certified prior to conducting the survey.

**H 01** **Housing:** Projects involving a subdivision or development proposal involving five or more residential units shall be required to provide an Affirmative Fair Housing Marketing Plan or provide evidence that the developer/builder is a Voluntary Affirmative Marketing Agreement (VAMA) signatory and has paid the required per unit fee for VAMA administration. The Affirmative Fair Housing Marketing Plan/evidence of being a VAMA signatory must be found satisfactory by the Development Services Department prior to approval of a Final Map, Final Parcel Map, or issuance of Building Permits, whichever comes first.

**H 02** **Housing:** Prior to **Final Map/Building Permit** issuance, the developer shall execute and record a regulatory agreement and declaration of covenants, conditions, and restrictions for affordable housing units satisfactory to the Development Services Department, in a form approved by the City Attorney, to be executed by the City Manager, reserving ***3*** units as affordable housing units. Said agreement/covenant shall include language that the two inclusionary (affordable) housing units shall be reserved in perpetuity in accordance with the Affordable Housing Plan and the one density bonus (affordable) housing unit shall be reserved for a minimum of 55 years. If required by the construction, or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, the units shall be reserved for a longer period. Agreement/covenant shall specify affordability levels based on the regional median income levels as identified in the table below. Income levels and affordable housing payments are established by California Department of Housing and Community Development (HCD) on an annual basis. The agreement/covenant shall identify the type, size and location of each affordable unit; and shall specify phasing of the affordable units in relation to the market-rate units consistent with the approved affordable housing plan and any adopted affordable housing guidelines, as determined by the City Manager or designee.

| Number of Units | Affordability Level | Area Median Income (AMI) | Deed Restriction |
|---|---|---|---|
| 3 | Very-Low | 50 Percent | Two units for perpetuity and one unit for 55 years. |

**H 03** **Housing:** The City may not issue Building Permits for more than 50 percent of the market rate units, until it has issued Building Permits for all of the affordable units, and the City may not approve any final inspections or certificates of occupancy for more than 75 percent of the market rate units until it has issued final inspections or certificates of occupancy for all of the affordable units. The final approval body of the City and developer may agree on an alternative schedule for development that is included in the affordable housing agreement.

**H 04** **Housing:** Affordable units shall be comparable in exterior appearance and overall quality of construction to market-rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City. The affordable units shall have the same minimum number of bedrooms as the market-rate units, and the unit mix for the affordable units shall be proportional to that of the market-rate units.

**H 05** **Housing:** The applicant shall advertise the availability of the Affordable Units for a minimum of two consecutive weeks. The applicant may employ additional marketing methods that are in accordance with industry standards. The City may also advertise the Affordable Units and provide contact information to interested households. The applicant's advertisements must be submitted to the City for review and approval prior to publication and must include the following details:

1. That the Affordable Units are subject to affordability restrictions, set forth the application instructions and deadlines, contact information, and fair housing statement. The applicant shall utilize an advertisement template provided by the City. Not less than five (5) business days prior to publication, the applicant shall advise the City of the publications which will carry the advertisements and the dates the advertisements will be published. The advertisement period shall be for a minimum of two weeks. The applicant shall not begin the selection process until after the two-week advertisement period has ended. The applicant shall maintain a record of all interested households and applications and shall provide such documentation to the City upon request.

**H 06** The City may use a third-party consultant for purposes of selection and screening of potential purchasers of affordable units. In such event, Developer shall cooperate with, utilize and pay all costs of such third-party consultant.

**I 01** **Indemnification:** To the maximum extent permitted by law, the Owner(s) shall waive any claims of liability against the City, and shall indemnify, hold harmless and defend the City of Encinitas, and its agents, officers and employees from and against any and all actions, claims, damages, liabilities and/or proceedings arising from: (i) the City's approval of any and all entitlements or permits relating to the project; (ii) any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Owner(s) or its contractors, subcontractors, agents, employees, or other persons acting on the Owner(s)'s behalf relating to the project; and (iii) the operation of the project.

The Owner(s) further agree that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of the City by counsel approved by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

**L 01** **Landscaping:** The project *is* subject to Chapter 23.26 of the Municipal Code (Water Efficient Landscape Program), which requires a landscape and irrigation plan to be prepared by a State licensed landscape designer. The requirements for

the plans are listed in Chapter 23.26. The landscape and irrigation plans, including the required signature block of the State licensed landscape designer, must be submitted as part of the Building Permit application for the project.

**L 02** **Landscaping:** All required plantings and automated irrigation systems shall be in place prior to use or occupancy of new buildings or structures. All required plantings and automated irrigation systems shall be maintained in good condition, and whenever necessary, shall be replaced with new materials to ensure continued compliance with applicable landscaping, buffering, and screening requirements. All landscaping and irrigation systems shall be maintained in a manner that will not depreciate adjacent property values and otherwise adversely affect adjacent properties. All irrigation lines shall be installed and maintained underground (except drip irrigation systems).

**L 04** **Landscaping:** All landscaping, fences, walls, etc. on the site and in any adjoining public parkways (the area between the front property line and the street) shall be permanently maintained by the owner, assigns or any successors in interest in the ***property / homeowners' association***. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials and irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the approval.

**L 05** **Landscaping:** Upon completion of the installation of the landscaping and the irrigation system, a final field observation shall be conducted, and a certification of substantial completion shall be provided to the City. The certificate shall specifically indicate that plants were installed as specified and that the irrigation system was installed as designed. The certificate of substantial completion shall be completed and signed by a State licensed landscape architect, landscape contractor, or an irrigation designer who also holds a State license in the landscape field.

**L 06** **Landscaping**: The project shall provide 50 percent of the total landscape area as southern California native landscaping.

**MH 01** Model homes, in a number not to exceed that necessary to provide an example of each dwelling type being offered, may be allowed in accordance with 30.46.100 of the Municipal Code. That Section provides that Building Permits may not be issued for model homes until a Final Map has been recorded, or, in the alternative, that a Final Map has been submitted which the Development Services Director has determined to be in conformance with the approved Tentative Map and technically correct. In addition, that Section provides that prior to issuance of Building Permits for model homes, the applicant shall provide a site plan to the satisfaction of the Development Services Department, indicating, among other things, the location of the model homes and their relation to off-street parking, vehicular and pedestrian access, and existing and all known future development in surrounding areas.

**MH 02** Model homes shall include at least one model designated as a "Water Efficient Landscape Model" in accordance with Section 23.26.110 of the Municipal Code, featuring elements such as hydro zones, irrigation equipment, and other elements

which contribute to overall water efficiency pursuant to Chapter 23.26 of the Municipal Code.

**MH 03** All sales maps that are distributed or made available to the public shall include but shall not be limited to trails, future and existing schools, parks, streets, and all other adjacent and all known future development.

**P04** **Parking:** Garages enclosing required parking spaces shall be available and usable for the parking of owner/tenant vehicles at all times, and not be rented or conveyed separately from the appurtenant dwelling unit without City approval.

**SSO 01** **Security, Safety and Operations:** Prior to issuance of a ***Grading Permit***, a Security, Safety, and Operations plan shall be submitted and approved by the Development Services Department and the Fire Department. Such plan shall include, but not be limited to, the following items (as applicable): site location, owner info, 24-hour emergency contact info, safety and perimeter fencing, access location(s), loading/unloading zones, onsite/offsite circulation, worker parking and signage, temporary parking lot location/design, neighborhood traffic flow, model home phasing and fencing, large vehicle turnaround areas, signage for haul routes per EMC 23.24.410, construction trailer location, hours of grading and building permit operations, City tree protection zones, hours of hauling (i.e. school routes, prime arterials, impacted streets, etc.), and construction phasing.

**SIGN 01** **Signs:** Any signs proposed for this development shall be designed and approved in conformance with Encinitas Municipal Code Chapter 30.60.

**SIGN 02** **Signs:** Temporary subdivision advertising signs and any model home and information signage shall be submitted to the Development Services Department for review and approval prior to issuance of Building Permits.

**SIGN 03** **Signs:** Signs are approved as submitted and as shown in the approved project plans or sign program. Any alteration/addition to the approved signs not exempted in Municipal Code Chapter 30.60 may require a permit amendment, and the applicant should contact the Development Services Department prior to undertaking any such modification.

**SLOPE 01** **Steep Slope Open Space Easement:** Prior to the issuance of a Grading Permit, the applicant shall submit a plat and legal description with closure calculations for the project to record a steep slope open space easement over all steep slopes of 25 percent or greater in gradient to the satisfaction of the Development Services Department.

**MAPS 01** **Maps:** Approval of the Tentative Map will expire on ***May 7, 2029***, at 5 p.m., three years after the approval of this project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.

**MAPS 03** **Maps:** This approval may be appealed to the City Council within 10 calendar days from the date of this approval pursuant to Chapter 1.12 of the Municipal Code.

**MAPS 04** **Maps:** All project grading shall conform with the approved ***Tentative Map***. In cases where no grading is proposed at the time of the ***Tentative Map***, or in cases where

the Grading Plan later submitted is not consistent with the approved ***Tentative Map***, the applicant may be subject to Chapter 23.08.030 of the Municipal Code and required to obtain a Design Review permit for grading prior to issuance of Grading Permits.

**MAPS 07** **Maps:** Requests for street names shall be submitted by an ***applicant/owner*** to the City for review and approval. Street names shall be approved by the City prior to the recordation of the Final Map.

**MAPS 08** **Maps:** Requests for street addresses shall be submitted by an ***applicant/owner*** to the City for review and approval. Street addresses shall be provided by the Development Services Department prior to the issuance of Building Permits.

**MAPS 09** **Maps:** Prior to Final Map Approval, the CC&Rs for the project shall be submitted to the Development Services Department for review and approval.

**UTILITY 01** **Utility Connections:** All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the Building Permit application with appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.

**WF 01** **Walls and Fences:** All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures (stucco-coated masonry, split-face block, slump stone, etc.). These items shall be approved by the Development Services Department prior to the issuance of ***building and/or grading permits***

**WF 02** **Walls and Fences:** Any wall, fence or combination thereof exceeding six feet in height and facing any neighboring property or visible from the public right-of-way shall be subject to design review pursuant to Section 23.08.040.A.1 of the Encinitas Municipal Code. Where a minimum two feet horizontal offset is provided, within which screening vegetation is provided to the satisfaction of the Development Services Department, the fence/wall may not be considered one continuous structure for purpose of measuring height and may be exempted from design review provided none of the offset fences or walls exceed six feet in height.

**WF 03** **Walls and Fences:** All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Development Services Department. The property owner shall be responsible for the removal in a timely manner of any graffiti posted on such walls.

**BUILDING:**

**CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

**BLDG 02** **Single Family and Duplex:** The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plan check processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The Uniform Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). These comments are preliminary only. A comprehensive plan check will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

**BLDG 03** **Water and Sewer:** Prior to the Building Division approving the connection from the buildings to the private sewer or water systems located in the private right of way, the civil engineer responsible for the design and the inspector responsible for the system inspection must certify in writing to the City Engineer that the sewer and/or water systems were designed and constructed in accordance with the utility district or agency standards for public systems.

**EV 01** **Electric Vehicle Charging Ready (Single-Family)**: New single-family dwellings, two-family dwellings (duplexes), and townhouses with a private garage shall include a dedicated 208/240-volt branch circuit rated to 40 amperes minimum for each unit capable of accommodating a future Level 2 home electric vehicle charging station, per Encinitas Municipal Code 23.12.110.

**EE 04** **Energy Performance (Single-Family):** New single-family homes, where dwelling units are 1,500 square feet or more of conditioned space, shall achieve an Energy Design Ratio 1 (EDR1) that is at least 4.5 points lower than the California Energy Code requirement, per Encinitas Municipal Code 23.12.080. If the compliance documents are prepared by a Certified Energy Analyst, the EDR1 may be at least 3.5 points lower than the California Energy Code requirement.

**EE 06** **Energy Performance (All Residential):** All single family and multi-family buildings that use gas for space or water heating shall be designed and constructed for future conversion to electric heat pump technology, per Encinitas Municipal Code 23.12.080. This includes requirements that exceed the California Energy Code for multi-family central gas water heating systems.

**SPV 01** **Solar Photovoltaic (Single-Family):** All newly constructed single-family buildings shall install a photovoltaic (PV) system sized according to California Building Code, Title 24, Part 6, Energy Code Section 150.1(c).

**GWS 01** **Graywater Systems (New single-family):** Newly constructed single-family dwelling units shall be pre-plumbed with graywater plumbing to all graywater

eligible discharge sources and with a stub-out convenient for connection to the landscape irrigation system, per Encinitas Municipal Code 23.12.110.

**ENGINEERING:**

**CONTACT THE ENGINEERING DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

**Grading**

**GRD 01** **Grading – Regulations:** All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.

**GRD 02** **Grading – Datum:** All drawings submitted for Engineering permits are required to be based on the NAVD 88 datum; the NGVD 29 datum will not be accepted.

**GRD 03** **Grading – Plan:** The applicant shall submit a Grading Plan for review and obtain a Grading Permit prior to the commencement of any clearing or grading of the site. The Grading Plan shall include, but not be limited to, the design for site grading, drainage improvements, erosion control, stormwater pollution control, and on-site pavement.

**GRD 04** **Grading – Responsible Charge:** The grading for this project is defined in Chapter 23.24 of the Encinitas Municipal Code. Grading shall be performed under the observation of a civil and geotechnical engineer whose responsibility it shall be to coordinate site inspection and testing to ensure compliance of the work with the approved grading plan, submit required reports to the Engineering Department and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.

**GRD 05** **Grading – Offsite Authorization:** No grading shall occur outside the limits of the project boundary and easements unless a letter of permission is obtained from the owners of the affected properties and provided to the Engineering Department.

**GRD 06** **Grading – Borrow/Disposal Sites:** Separate grading plans shall be submitted and approved, and separate grading permits issued for borrow or disposal sites if located within the city limits. Import material shall be free of organic material, trash, debris, and environmental contaminants.

**GRD 07** **Grading – Slopes**: All newly created slopes within this project shall be no steeper than 2:1.

**GRD 09** **Grading – Reports:** Geotechnical, Drainage/Hydrology, Stormwater Quality, and Traffic studies/report (as applicable) shall be prepared by a qualified engineer licensed by the State of California to perform such work. The reports shall be submitted with the first grading plan submittal and shall be approved prior to issuance of any grading or improvement permit for the project.

**GRD 10** **Grading – Haul Route:** Prior to hauling dirt or construction materials to any proposed construction site within this project the developer shall submit to and receive approval from the Engineering Department for the proposed haul route. The applicant shall comply with Municipal Code section 23.24.410 as well as all conditions and

requirements the Engineering Department may impose with regards to the hauling operation.

**GRD 11** **Grading – Drainage Plan:** The project's building plan(s) shall include an engineered drainage and stormwater quality treatment BMP site plan prior to approval of building permit. The plan shall provide at a minimum the design for precise grading, drainage improvements, erosion control, stormwater pollution control, and impervious surfaces.

**GRD 13** **Grading – Structural Review:** All proposed temporary shoring and/or non-standard structural retaining wall shall be included as part of the grading plans and will be reviewed by the City's third-party reviewer. Additional plan check fees shall be required.

**Drainage Conditions**

**DRAIN 01** **Drainage – Erosion Control:** An erosion control system shall be designed and installed onsite during all construction activity. The system shall prevent discharge of sediment and all other pollutants onto adjacent streets and into the storm drain system. The City of Encinitas Stormwater Standards Manual shall be employed to determine appropriate stormwater pollution control practices during construction.

**DRAIN 02** **Drainage – Drainage System:** A drainage system capable of handling and disposing of all surface water originating within the project site, and all surface waters that may flow onto the project site from adjacent lands, shall be required. Said drainage system shall include any easements and structures required by the Engineering Department to properly handle the drainage.

**DRAIN 03** **Drainage – Flood Control Fee:** Pursuant to Municipal Code Chapter 23.96, the applicant shall pay the current adopted Flood Control Fee for the creation of new impervious surfaces prior to issuance of the building or grading permit for this project to the satisfaction of the Engineering Department.

**DRAIN 04** **Drainage – Hold Harmless:** The owner of the subject property shall execute and record a covenant holding the City harmless for drainage prior to approval of any grading or building permit for this project.

**DRAIN 05** **Drainage – Concentrated Flows:** Concentrated flows across driveways and/or sidewalks shall not be permitted.

**DRAIN 06** **Drainage – Flow Rate:** The drainage system shall be designed to ensure that runoff resulting from a 100-year frequency storm underdeveloped conditions is equal to or less than the runoff from a storm of the same frequency and duration under existing conditions. Both 6 hour and 24-hour storm durations shall be analyzed to determine the mitigation necessary to accomplish the desired results.

**DRAIN 07** **Drainage – Cross Lot Drainage:** Runoff from this property drains to the adjacent property. The applicant shall design and construct a detention/infiltration basin to receive site runoff discharging onto the adjacent property. The detention/infiltration basin shall be designed to ensure that the impact of the runoff on the adjacent

property is less than or equal to the predevelopment condition to the satisfaction of the Engineering Department.

**Street Conditions**

**ST 01** **Street – Right-of-Way Permit:** Prior to any work being performed in the public right-of-way or City easement, a right-of-way construction permit shall be obtained from the Engineering Department and appropriate fees paid, in addition to any other permits required.

**ST 02** **Street – Encroachment Agreement:** Private improvements constructed within the present or future public right-of-way shall be considered temporary. The owner shall enter into an Encroachment Maintenance and Removal covenant agreeing to maintain the improvements in perpetuity and to remove those improvements at the direction of the City.

**ST 03** **Street – Dedication General:** The owner shall dedicate to the City of Encinitas all public streets and easements required by these conditions or shown on the site development plan. The offer shall be made by execution of an easement document or by a certificate on the Map or Parcel Map prior to issuance of any building/grading permit for this project. All land so offered shall be dedicated to the City free and clear of all liens and encumbrances and without cost to the City. Streets that are already public are not required to be rededicated.

**ST 04** **Street – Dedication:** The owner shall dedicate to the City of Encinitas a 13 feet wide Easement for Public Street Right-of-Way subject to the terms and conditions set forth in the City of Encinitas Resolution 2009-52 adopted October 28, 2009 to the City of Encinitas along the property frontage to Ocean Bluff Way to ensure a property line to center line distance of 30 feet per City of Encinitas Public Road Standards. The plat, existing legal description, and easement legal description including lot closures shall be included prior to final map recordation.

**ST 07** **Street - Public Easement for Private Streets:** The owner shall dedicate a Public Easement for Private Streets to the City of Encinitas subject to the terms and conditions set forth in the City of Encinitas Resolution 2009-53 over the private road. Said easement grants to the City of Encinitas public rights-of-way uses such as, but not limited to public utilities, signage, trash collection and emergency vehicles.

**ST 08** **Street – Private Maintenance Agreement:** The owner(s) shall record a Private Road and Drainage Facilities Maintenance Agreement against the subject property to ensure private maintenance in perpetuity.

**ST 09** **Street – Reciprocal Access and Maintenance**: Reciprocal access and/or maintenance easements/agreements shall be provided ensuring access to all parcels over private roads, drives or parking areas and maintenance thereof to the satisfaction of the Engineering Department.

**ST 10** **Street – Road Within Easements**: A licensed Civil Engineer or Land Surveyor shall provide a signed statement that:

"The existing private roads of access to the project are within the easements for the benefit of the land division".

**ST 11** **Street – Structural Section:** The design of all private driveways and drainage systems shall be approved by the Engineering Department prior to issuance of any grading, improvement or building permit for this project. The structural section of all private streets shall conform to City of Encinitas minimum standards or be based on R-value tests, whichever is greater.

**ST 12** **Street – Acquisition:** Some improvements shown on the site plan and/or required by these conditions are located offsite on property which neither the City nor the subdivider has sufficient title or interest to permit the improvements to be made without acquisition of title or interest. The subdivider shall conform to Municipal Code Section 24.16.070 regarding offsite improvements and acquisition of property interest.

**ST 13** **Street – Improvements Standard:** The owner shall construct public improvements along the property frontage of Ocean Bluff Way. Street improvements shall include pavement widening and the construction of standard curb, gutter and contiguous sidewalk along the entire property frontage. The pavement section shall be based on in situ R-value testing but shall be a minimum of 4" of AC over 6" Class II Base. The curb line shall be located 15 feet from centerline. Driveway aprons shall be constructed per SDRSD standards. Any required transitions shall be located outside of the property frontage.

**ST 18** **Street – Improvement Paved Swale:** The area between the existing street pavement and property line shall be graded up with a slope ranging between 2% and 8.5% to allow 6" rise from the flow line invert to the property line. A minimum 2-foot wide paved swale shall be provided where no curb and gutter is proposed.

**ST 19** **Street – Curb Returns:** The entrance to the subdivision shall be a standard public & private road intersection with 20' minimum radius curb returns, PCC cross gutter, and ADA compliant pedestrian ramps.

**ST 20** **Street – Pedestrian Ramp:** Standard ADA compliant pedestrian curb ramps shall be required at the curb returns for the public/private road. A public pedestrian easement will be required for any portion of the curb ramp within private property.

**ST 21** **Street – ADA General:** All paths of travel, sidewalks, curb ramps, pedestrian ramps, driveway aprons, etc. shall be designed and constructed in compliance with ADA standards. Prior to completion of the project, each and every facility shall be inspected against the City's Public Right-of-Way Curb Ramp Inspection form.

**ST 25** **Street – Public Improvement Repairs:** Any portion of the existing sidewalk or any other public improvements damaged during construction shall be repaired and/or replaced to the next joint to the satisfaction of the Engineering Department.

**ST 26** **Street – Public Facility Protection:** All street signs, lights, lamps, utilities, etc. located within the public right-of-way shall be protected in-place during construction or replaced to the satisfaction of the Engineering Department.

**ST 28** **Street – Homeowners Association:** A Homeowners Association shall be formed to accept the maintenance responsibility of all commonly owned facilities including but not limited to open space areas, the bioretention basin and all other stormwater treatment facilities, the private road and all improvements, and any private storm drain infrastructure. These areas shall be called out as "Non-buildable." City staff shall review and approve the CC & R's for the project prior to approval of the final subdivision map.

**ST 29** **Street – Mailbox:** A centralized cluster style mailbox shall be located on private property in a location approve by the City and USPS.

**ST 30** **Streets – Traffic Control Plan:** Prior to commencement of any work in the public right-of-way or other work that may cause a traffic disturbance, the applicant shall obtain approval of a Traffic Control Plan from the City's Traffic Engineering division, as necessary.

**Utilities Conditions**

**UT 01** **Utility – Regulations/Coordination:** The owner shall comply with all the rules, regulations, and design requirements of the respective utility agencies regarding services to the project. The owner shall be responsible for coordination with SDG&E, AT&T, Cox, SDWD, OMWD, LWD, and all other applicable utility companies.

**UT 02** **Utility – Underground:** All proposed utility services within the project shall be installed underground including existing utilities unless exempt by the Municipal Code.

**UT 03** **Utility – Underground Existing Services:** All existing overhead utility services to the property shall be reconstructed underground and the overhead lines removed.

**UT 04** **Utility – Underground Existing Facilities:** The owner shall be responsible for the relocation and undergrounding of existing public utilities and appurtenances, as required including but not limited to pedestals, cabinets, vaults, poles, and guy wires.

**UT 16** **Utility – Existing & Proposed Facilities:** The location of all utility facilities such as backflow preventers, transformers, etc. shall be plotted and adequate screening shall be provided to the satisfaction of the Engineering Department. Private facilities shall be located out of the public right-of-way to the maximum extent practicable. Any authorized encroachment into the public right-of-way will require an Encroachment Maintenance and Removal Covenant.

**UT 18** **Utility – Clearance:** No excavation shall be permitted within five (5) feet of any utility pole or anchor without written approval of the utility pole owner.

**Stormwater Pollution Control Conditions**

**STORM 01** **Stormwater – SWPPP:** Grading projects with a disturbed area of greater than one (1) acre must also meet additional requirements from the State Water Resources Control Board (SWRCB) and shall obtain coverage under the California State General Construction Permit. Those additional requirements may include filing a Notice of Intent (NOI) and preparing a Stormwater Pollution Prevention Plan (SWPPP), or a Small Site Low Erosivity Waiver to be submitted to the Water Board's Stormwater Multiple Application and Report Tracking System (SMARTS).

**STORM 02** **Stormwater – LID BMP's:** Best Management Practices shall be utilized for stormwater pollution and flow control per the City of Encinitas BMP Design Manual to the satisfaction of the Engineering Department. The Grading Plan/Permit Site Plan shall identify all landscape areas designed for stormwater pollution control and incorporate Low Impact Development (LID) BMP's. A note shall be placed on the plans indicating that the BMP's are to be privately maintained and the facilities not modified or removed without a permit from the City.

**STORM 03** **Stormwater – Post Construction BMP Required:** The applicant shall provide permanent post construction stormwater quality treatment BMP facilities to collect and treat all runoff generated by all new and/or removed and replaced impervious surfaces prior to discharge from the subject site. A note shall be placed on the plans indicating that the BMPs are to be privately maintained and the facilities not modified or removed without a permit from the City.

**STORM 05** **Stormwater – Priority Development Project**: The project shall be categorized as a Priority Development Project for purposes of stormwater quality and shall be subject to Hydromodification Management Plan requirements. A Stormwater Quality Management Plan (SWQMP) with detailed Drainage Management Area exhibit shall be submitted with the grading permit application. Treatment and flow control facilities shall be detailed on the plans. A note shall be placed on the plans indicating that the BMPs are to be privately maintained and the facilities not modified or removed without a permit from the City. A Stormwater Treatment Facility Maintenance Agreement shall be recorded against the subject property to ensure maintenance of the BMP / HMP facilities in perpetuity.

**STORM 08** **Stormwater – Stormwater Maintenance Agreement:** A Stormwater Maintenance Agreement (SWMA) shall be required to ensure the professional maintenance, repair, and replacement of the stormwater quality BMP as necessary into perpetuity. The covenant shall also detail the funding mechanism for the required maintenance.

**STORM 09** **Stormwater – BMP Special Inspection:** Special inspection of the BMP facilities by a licensed civil engineer in the State of California is required during construction. Prior to obtaining building occupancy an inspection report shall be submitted along with the Engineer's Certification of Final Grading and Request for Field Clearance for Occupancy form to the Engineering Department verifying the size and depth of the excavation, gravel and engineered soil depth and material, storm drain pipe, overflow, and overall function of the facilities per the approved grading plan. The inspection report shall include any pertinent information including material receipts,

survey data, inspection dates, etc. in order to detail the construction of the drainage facility.

**STORM 11** **Stormwater – Securities:** Stormwater Quality Best Management Practice (BMP) facilities shall be designed and approved by the Engineering Department and secured with a performance bond prior to the issuance of a Grading permit for this project.

**STORM 12** **Stormwater – Roof Drains:** For stormwater pollution control purposes, all runoff from all roof drains shall discharge onto grass and landscape areas prior to collection and discharge onto the street and/or into the public storm drain system unless directly connected to an adequately designed BMP facility to the maximum extent practical. Grass/landscape areas and BMPs designated for stormwater pollution control shall not be modified without a permit from the City. A note shall be placed on the plans indicating that the BMP's are to be privately maintained and the facilities not modified or removed without a permit from the City.

**Map Conditions**

**MAP 01** **Map – General:** A Final Subdivision Map or Parcel Map shall be prepared by a California licensed land surveyor or civil engineer licensed prior to January 1, 1982. The map or parcel map shall comply with Chapter 1 of the City of Encinitas Engineering Design Manual and the project boundary shall be tied to two City approved first order monuments on the North American Datum NAD 83, 1991.35 epoch.

**MAP 02** **Map – Phasing:** Should the owner decide to record final maps and develop phases in a different numerical sequence than the approved phasing as shown on the Tentative Map, all conditions required of the preceding phases shall be completed to the satisfaction of the Engineering Department.

**MAP 03** **Map – Single Phase:** This project is approved specifically as 1 (single) phase.

**MAP 05** **Map – Improvement Securities:** Public/private grading/improvement plans shall be approved, and adequate surety shall be posted prior to a public hearing for approval of the Map/Parcel Map. Prior to recordation of the Final/Parcel Map, a Performance bond and Labor and Materials bond, or cash deposit, shall be posted for all the required public/private improvements and a covenant recorded against the subject property securing the improvements.

**Fire Conditions:**

**FIRE 01** **Address Numbers:** STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed

necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.

**FIRE 07** **Construction Materials:** Prior to delivery of combustible building construction materials to the project site all of the following conditions shall be completed to the satisfaction of the Fire Department: a) All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency; b) As a minimum the first lift of asphalt paving shall be in place to provide a permanent all-weather surface for emergency vehicles; and c) Water supply for fire protection (fire hydrants and standpipes) shall be installed, in service and accepted by the Fire Department and applicable water district.

**FIRE 13** **Grade:** The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete, with a deep broom finish perpendicular to the entire direction of travel. Additional mitigation measures may be required where deemed appropriate. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent).

**FIRE 14** **Response Maps:** Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways, or similar features, shall be required to provide map updates in one of the following formats (AutoCad DWG, DXF, ESRI shapefile, ESRI personal geodatabase, or XML format) and shall be charged a reasonable fee for updating all response maps.

**FIRE 15** **Room Capacity:** Room capacity will be tracked to ensure the posted room rating does not exceed maximum capacity as determined by the City of Encinitas Fire Marshal.

**FIRE 18** **Automatic Fire Sprinklers -One and Two Family:** One- and two-family dwellings: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to installation.

**FIRE 20** **Road Access -Road Minimum Dimensions:** Fire apparatus access roads identified as Circulation Element Roads and areas within the Very High Fire Hazard Severity Zone shall have an unobstructed improved width of not less than 24 feet and all other roads shall be not less than 20 feet; curb line to curb line. Exceptions: Single-Family residential driveways; serving no more than TWO single-family dwellings, shall have minimum of 16 feet, curb line to curb line, of unobstructed improved width. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds and shall be provided with an approved paved surface to provide all-weather driving capabilities and provide a vertical clearance of not less than 13 feet 6 inches.

**FIRE 23** **Gates:** All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. An approved emergency key-

operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Encinitas Fire Department standards.

**FIRE 24** **Obstruction of Roadways During Construction:** All roadways shall be a minimum of 24 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Encinitas Fire Department.

**FIRE 25** **Posting or Striping Roadway "No Parking Fire Lane":** Fire Department access roadways, when required, shall be properly identified as per Encinitas Fire Department standards. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

**FIRE 26** **Hose Pull:** 150-foot Hose pull required. Measured from the furthest portion of structures to fire department access.

**UTILITIES:**

**UT 06** **Utility – Sewer Connection:** Sanitary sewer is available to serve this property. The applicant shall connect to the sanitary sewer system and shall pay all applicable capacity and permit fees.

**UT 13** **Utility – Separate Laterals:** Separate sewer laterals shall be provided for each unit within the development.

**SAN DIEGUITO WATER DISTRICT:**

**SDWD A 01** **Agreement - Map:** The developer shall enter into a secured agreement with SDWD prior to map recordation.

**SDWD BF 03** **Backflow – Landscape:** A private backflow preventer shall be installed on the dedicated landscape water meter meeting SDWD standards. The location of the proposed backflow preventer shall be shown on the plans for SDWD approval. Property shall be subject to testing and reporting requirements per SDWD Resolution 2023-05.

**SDWD BF 04** **Backflow – Residential:** A private backflow preventer shall be installed on each water meter meeting SDWD standards. The location of the proposed backflow preventer shall be shown on the plans for SDWD approval. Property shall be subject to testing and reporting requirements per SDWD Resolution 2023-05.

**SDWD ED 02** **Easement Dedication – Private Street:** The developer shall dedicate to SDWD all necessary easements for that portion of the water system which is to be public water. The minimum easement width shall be 15 feet; additional width will be required if access dictates or if more than one utility is proposed for the easement. The whole width of private streets shall be dedicated to SDWD.

**SDWD EWS 01** **Existing Water Service:** The subject property is currently being served by an 5/8-inch & 2-inch water meters. Upon development, each parcel shall be individually metered. The owner may downsize the existing meters and apply

capacity credit toward the installation of new water meters. All water meters that will receive capacity credit shall be paid for and installed at one time. Prior to map recordation, the owner shall provide SDWD with a written statement indicating which lot(s) will receive capacity credits.

**SDWD WS 01** **Water System:** SDWD will require a minimum of 5 feet from outside of edge of pavement or behind curb for SDWD facilities on the proposed private streets.

**SDWD WS 02** **Water System – Fees/Charges:** The developer shall comply with SDWD's fees, charges, rules and regulations.

**SDWD WS 04** **Water System – Grading/Improvement Plans:** The developer shall show all existing and proposed water facilities on improvement and/or grading plans for SDWD Approval (if applicable).

**SDWD WS 06** **Water System – Landscape Water Meter Requirement:** All residential common space/commercial/mixed used properties which propose over 5,000 square feet of landscaping shall install a separate landscape water meter.

**SDWD WS 07** **Water System – Water Agencies' Standards:** The developer shall install the water system according to Water Agencies' (WAS) standards.

**SDWD WS 08** **Water System – Water Meter Location:** Water meters shall be located in front of the parcel they are serving and outside of any existing or proposed travel way. Appurtenances shall not be placed in roadside ditches. Cost of relocation shall be the responsibility of the developer.

**SDWD Ad-Hoc 01** All proposed trees shall be located a minimum of 10-feet (from outside edge of tree box to outside edge of water main) from all existing and/or proposed SDWD infrastructure.

**SDWD Ad-Hoc 02** **On-Site Improvements:** The developer shall design and construct approximately 815-LF of on-site 8-inch public waterline in accordance with the District's standard at the developer's expense.